

REMARKS

This application has been reviewed in light of the Final Office Action mailed May 4, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 26, 42-43 and 45-46 are pending in the application with Claim 26 being in independent form. By the present amendment, Claim 26 has been amended. No new subject matter or issues have been introduced by way of the present amendment.

I. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,852,85 issued to Shimada et al. in view of U.S. Patent No. 5,818,550 issued to Kadota et al. and U.S. Patent No. 5,702,776 issued to Hayase et al.

The Examiner alleges that Shimada discloses all the elements of independent claim 26, but acknowledges that Shimada fails to teach a flat color filter and fails to teach forming an insulating layer between the pixel electrode and the common electrode. However, the Examiner alleges that the reference of Hayase teaches a color filter having a flat surface formed on a lower substrate. Further, the Examiner alleges that it would be obvious to one of ordinary skill in the art to form an interlayer between two electrodes for insulating the electrodes. Therefore, the Examiner alleges that the combination of the two references renders the present invention as recited in independent claim 26 obvious.

Applicants' Claim 26, however, recites that the color filter is flat on both the upper and lower surfaces. Neither Shimada nor Hayase disclose or suggest a color filter being flat on both an upper and a lower surface. As clearly shown in FIG. 18b of Shimada, the color filter 218 is flat on neither the upper nor the lower surface. While FIG. 3 of Hayase may show a color filter 10 having a flat upper surface, the lower surface is formed to follow the contours of the TFT 13

and capacitor 23₁ and 23₂ and thus is not flat. Therefore, Shimada and Hayase, taken alone or in any proper combination, fail to disclose or suggest Applicants' claimed flat color filter being flat on both an upper and a lower surface, as recited in independent Claim 26.

Additionally, the Examiner alleges that one skilled in the art would have realized the desire to form an interlayer between the common and pixel electrodes for insulating the two electrodes and therefore it would have been obvious to one so skilled to form a common electrode under an insulating layer and a pixel electrode over an insulating layer in order to avoid cross-talk between two different electrodes. However, there is no indication of a need for someone of ordinary skill in the art at the time of the invention to modify Shimada so that an interlayer separation film is disposed between a common electrode and a pixel electrode so that the common electrode and the pixel electrode are disposed in different layers of the interlayer separation film, since the alignment layer 216 material of Shimada, which separates the common electrode 213 from the pixel electrode 211, already provides isolation of the two electrodes, thus there would not be a need for one skilled in the art to modify Shimada as suggested by the Examiner.

Kadota is referenced by the Examiner for modifying Shimada so that the color filter 9 is formed over a protective layer 4c. However, FIG. 4 of Kadota shows an interlayer insulating film 4c and a color filter 9, which are separated by a black mask 8c, thus it is not obvious from the two references, i.e., Shimada and Kadota, to form a color filter on a protective layer, as recited in Applicants' Claim 26.

Therefore, for at least the reasons given above, Shimada, Kadota and Hayase, taken alone or in any proper combination, fail to disclose or suggest all the features of Applicants' invention as recited in Claim 26. Accordingly, Applicants' respectfully request withdrawal of the rejection,

with respect to Claim 26 under 35 U.S.C. §103(a) over Shimada et al. in view of Kadota et al. and further in view of Hayase et al.

II. Rejection of Claims 42-43, 45 and 46 Under 35 U.S.C. §103(a)

Claims 42 and 43 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shimada et al. in view of Kadota et al., Hayase et al. and further in view of U.S. Patent No. 6,023,317 issued to Xu et al. Claim 45 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shimada et al. in view of Kadota et al., Hayase et al. and further in view of U.S. Patent No. 5,721,597 issued to Kakinuma et al. Claim 46 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shimada et al. in view of Kadota et al., Hayase et al. and further in view of U.S. Patent No. 6,181,402 issued to Shim et al.

Claims 42-43 and 45-46 depend from Independent Claim 26 and thus recite the limitations of that independent claim. As Xu, Kakinuma and Shim, taken alone or in any combination with Shimada, Kadota and Hayase, fail to overcome the deficiencies identified above, Claims 42-43 and 45-46 are believed patentably distinct over the prior art for at least the reasons given above for Claim 26. Accordingly, Applicants' respectfully request withdrawal of the rejections, with respect to Claims 42-43, 45 and 46 under 35 U.S.C. §103(a).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 26, 42-43 and 45-46 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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